

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN CAREATERS

Plaintiff,

v.

RED BULL NORTH AMERICA, INC.,

Defendant.:

13 Civ. 0369(KPF)

**OBJECTOR/APPELLANT
DAVE MAGER'S REQUEST
FOR LEAVE TO OPPOSE
PLAINTIFFS/APPELLEES'
MOTION FOR APPEAL
BOND**

-----X

DAVID WOLF, *etal.*,

Plaintiff,

v.

RED BULL GMBH,
etal.,

Defendant.:

13 Civ. 8008(KPF)

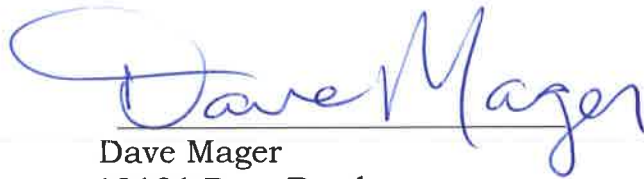


**APPELLANT DAVE MAGER'S REQUEST FOR LEAVE TO OPPOSE
PLAINTIFFS/APPELLEES' MOTION FOR APPEAL BOND**

Objector/Appellant Dave Mager ("Mager") hereby requests leave to file the attached out-of-time Brief In Opposition to Plaintiffs/Appellees' Motion for Appeal Bond. For cause, Mager asserts excusable neglect in that: (1) he was traveling on business when Plaintiffs/Appellees' motion was served; (2) Mager required his personal attorney's assistance in preparing the attached response; (3) his personal attorney was not available to advise him on the matter for several days; and (4) the Court has not yet ruled on Plaintiffs/Appellees' motion.

Dated: August 11, 2015

Respectfully submitted,



Dave Mager
10121 Page Road
Streetsboro, Ohio 44241
(330) 819-7254
Appearing Pro Se

**OBJECTOR/APPELLANT DAVE MAGER'S BRIEF IN OPPOSITION TO
PLAINTIFFS/APPELLEES' MOTION FOR APPEAL BOND**

Objector/Appellant Dave Mager ("Mager") joins in Objector/Appellant Paul J. Lopez's opposition to Plaintiffs/Appellees' motion for appeal bond filed on August 5, 2015 (Doc. No. 118). In addition, Mager asserts the following points specific to his own appeal:

1. That Mager may have objected to other class settlements no more implicates the merits of his present appeal than does class counsel's involvement in numerous other class actions betray the fairness of the present settlement.
2. It is also ironic that class counsel emphasizes the need for adequate representation in certifying a class action only to quash any challenge to the settlement's adequacy precisely when an objecting class member is most vulnerable to attack.
3. It is particularly offensive when the very lawyers charged with receiving an excessive award attempt to derail legitimate appeals under the guise of an appeal bond.
4. Mager should be given the same right to substantiate the merits of his appeal (through opening and reply briefs) afforded to any other appellant.
5. Should this Court grant Plaintiffs-Appellees' motion for an appeal bond of any size, Mager will be forced to abandon his meritorious appeal solely because he lacks the financial resources to purchase the bond (see attached

declaration).

Dated: August 11, 2015

Respectfully submitted,

A handwritten signature in blue ink that reads "Dave Mager". The signature is fluid and cursive, with a large initial "D" and "M".

Dave Mager
10121 Page Road
Streetsboro, Ohio 44241
(330) 819-7254
Appearing Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
BENJAMIN CAREATERS	:
	:
Plaintiff,	:
	:
v.	:
RED BULL NORTH AMERICA, INC.,	:
	:
Defendant.:	:
-----X	

13 Civ. 0369(KPF)

**DECLARATION OF
OBJECTOR/APPELLANT
DAVE MAGER**

In support of Objector/Appellant Dave Mager's Brief In Opposition to Plaintiffs/Appellees' Motion for Appeal Bond, Mager declares the following:

1. My objections to the class action settlement and attorney fee award are based upon my good faith belief that they render the settlement and award unfair, unreasonable, and inadequate to class members.
2. My appeal of the district court's final approval of the class settlement and revised fee award is based upon my good faith belief that said orders abuse of the court's discretion.
3. Despite my good faith belief, I will be forced to abandon my meritorious appeal if the district court grants Plaintiffs/Appellees' motion because I lack the financial resources to purchase a bond of any size.

Signed Under the Pains and Penalties of Perjury this 11th day of August, 2015.


DAVE MAGER

Certificate of Service

The undersigned hereby certifies that the foregoing Request for Leave to file out-of-time Brief In Opposition to Plaintiffs/Appellees' Motion for Appeal Bond was served by First Class U.S. Mail to the following on August 11, 2015:

Clerk of the Court
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

By virtue of the clerk's filing my request for leave into the case docket through the CM/ECF system, I also caused electronic notice of the filing to be served upon all attorneys of record.


Dave Mager

David & Monica Muger
10121 Page Rd.
Streetsboro, OH 44241

Pro SE of
8/14/15



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United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312